IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 14674 of 2001

Between:

C.Prakash, S/o.C.Kondaiah, Hindu, R/o.7-1-704/14/4, Subhash Nagar,
Sanath Nagar, Hyderabad.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary,

Department of Home, Secretariat, Hyderabad.
2 The Station House Officer, Mirchowk P.S.,
Miryalamandi, Hyderabad.
3 Smt. Manju Sree, W/o.Shivaji Rao, Hindu,
R/o.Plot No. Road, No.4, Chandrapuri Colony,
L.B.Nagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents 1 and 2 in insisting the petitioner to attend the Police Station of only by harassing him, in spite of the petitioner no way concerned with the matter and no case is pending against him is illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India and consequently direct the Respondents not to interfere with the petitioner's freedom.

Counsel for the Petitioner: MR.M.RAMU & MR.J.M.NAIDU

Counsel for the Respondent Nos.1 and 2: G.P. FOR HOME

Counsel for the Respondent No.3: MR.SHYAM S.AGRAWAL

The Court made the following:

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ORDER:

The present writ petition is filed praying for a writ of Mandamus declaring the action of respondents 1 and 2, namely, the Government of A.P., represented by its Secretary to Government in Department of Home and the Station House Officer, P.S.Mirchowk, in insisting upon the petitioner to attend the police station as illegal and arbitrary.

It is the case of the petitioner that his wife Sujatha was running chit business and it incurred loss. Therefore, she filed insolvency petition being I.P.No.14 of 2000 on the file of Court of Principal Senior Civil Judge, Ranga Reddy District and obtained interim order in I.A.No.669 of 2000 restraining the respondents in detaining the petitioner in a civil case. It is alleged that the third respondent is an influential person and therefore, at her behest, the second respondent compelled the petitioner to attend the police station. It is further alleged that the petitioner was harassed by the police, directing him to attend the police station under the influence of the third respondent.

The second respondent has filed a detailed counter affidavit. It is stated that the third respondent, who is working as L.D.C. in the Court of II Junior Civil Judge, City Civil Court, Hyderabad gave a complaint on 17.8.2000 to the Deputy Commissioner of Police (South Zone), alleging that the petitioner has cheated her and that though she paid amounts in five chits totaling Rs.4,00,000/-, the same was not paid by the petitioner. It is further stated that on the complaint given by the third respondent, Crime No.91 of 2000 under Section 420 of the Indian Penal Code, 1860 of P.S. Mirchowk was registered and the investigation was taken up. The allegations made by the petitioner that he is being harassed are denied.

Though the counter affidavit was served on the petitioner on 27.8.2001, no reply affidavit is filed. Therefore, it has to be presumed that on the complaint given by the third respondent, the police registered a cognizable crime and took up the investigation. In the said background, the writ petition is misconceived.

The writ petition is, accordingly, dismissed.

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(**V.V.S.RAO,J**)

June 16, 2005.

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To

1 The Secretary, Government of Andhra Pradesh,

Department of Home, Secretariat, Hyderabad.

2 The Station House Officer, Mirchowk P.S.,
Miryalamandi, Hyderabad.

3 2CCs to the Government Pleader for Home, High Court Buildings,

Hyderabad (OUT).

4 2CD copies.